## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA )			
	Plaintiff,	) 8:08MJ104 )	
	vs.	) DETENTION ORDER	
ED	DIE GARCIA,	)	
	Defendant.	<b>;</b>	
A.	After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on June 9, 2008, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).		
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X             By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.             X             By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.         </li> </ul>		
C.	a minimum sentence of f sentence of forty years in  (b) The offense is a crime of  (c) The offense involves a na  (d) The offense involves a la wit:	nd includes the following: e offense charged: n with intent to distribute marihuana carries five years imprisonment and a maximum nprisonment. violence. arcotic drug. arge amount of controlled substances, to	
	may affect wheth The defendant hat X The defendant hat X The defendant hat X The defendant of ties. Past conduct of the defendant hat Court proceeding	of the defendant including: appears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. does not have any significant community. the defendant: as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record. has a prior record of failure to appear at	

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	· · · · · · · · · · · · · · · · · · ·	ease pending trial, sentence, appeal or completion of tence.
	(c) Other Facto	
		e defendant is an illegal alien and is subject to ortation.
	The	e defendant is a legal alien and will be subject to ortation if convicted.
	The	Bureau of Immigration and Custom Enforcement
		CE) has placed a detainer with the U.S. Marshal. er:
_X_	(4) The nature and s	seriousness of the danger posed by the defendant's
		ws: the nature of the charges in the Indictment and the
X	(5) Rebuttable Presu	mptions
		the defendant should be detained, the Court also relied rebuttable presumption(s) contained in 18 U.S.C. §
		Court finds the defendant has not rebutted:
		ondition or combination of conditions will reasonably
assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that		
	the crime in	
		A crime of violence; or
	(2)	An offense for which the maximum penalty is life imprisonment or death; or
	<u>X</u> (3)	A controlled substance violation which has a maximum
	(4)	penalty of 10 years or more; or
	(4)	A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3)
		above, and the defendant has a prior conviction for
		one of the crimes mentioned in (1) through (3) above
which is less than five years old and which wa committed while the defendant was on pretrial release		
<u>X</u> (b) That no condition or combination of conditions will reasonably		
assure the appearance of the defendant as required and the safe of the community because the Court finds that there is probacause to believe:		ppearance of the defendant as required and the safety
		That the defendant has committed a controlled
		substance violation which has a maximum penalty of
	(2)	10 years or more. That the defendant has committed an offense under 18
	(2)	U.S.C. § 924(c)(uses or carries a firearm during and in
		relation to any crime of violence, including a crime of
		violence, which provides for an enhanced punishment
		if committed by the use of a deadly or dangerous weapon or device).
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## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: June 9, 2008.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge